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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LYNN DINORSCIA, MARGARET D. FRITZ, RHONDA PAYNE, RUTH J. WILLIAMS AND TIFFANY R. WILSON, Plaintiffs, vs. AGILENT TECHNOLOGIES, INC. AND DOES 1 through 200, Inclusive, Defendants.	Case No. C 04 5436 SC **DECLARATION OF SALLY MELVICK IN SUPPORT OF DEFENDANT AGILENT TECHNOLOGIES, INC. MOTION FOR TRANSFER OF VENUE (28 U.S.C. § 1404(a))** Date: April 1, 2005 Time: 10:00 a.m. Judge: Senior Judge Samuel Conti Courtroom: 1, 17th Floor Date of Filing: January 14, 2005

I, SALLY MELVICK, declare:

1. I am employed by Agilent Technologies, Inc. ("Agilent") as the human resources ("HR") management support consultant located at Agilent's Colorado Springs, Colorado facility. The matters set forth herein are known to me of my own personal knowledge and I could and would testify competently thereto in a court of law if called upon to do so.

2. Agilent is a global technology company that was created in 1999 from elements of the Hewlett-Packard Company. Agilent has five separate lines of business or business groups, each of which has its own economic base, customers, and organizational structure. These are the Automated Test Group ("ATG"), Semiconductor Products Group ("SPG"), Communications Solutions Group ("CSG"), Life Sciences and Chemical Analysis Group ("LSCA"), and the

Electronic Products and Solutions Group ("EPSG"). In addition, the Global Infrastructure Organization (GIO), a separate business organization within Agilent, provides general staff support in certain areas to the other business groups. Each of Agilent's five business groups has facilities throughout the world and each provides products or services to a separate market.

3. LSCA is a leading provider of instrument systems that enable the identification, quantification, analysis and testing of the biological, atomic, molecular and physical properties of thousands of substances and products.

4. During their employment with Agilent, Plaintiffs Rhonda Payne, Margaret Fritz, Ruth J. Williams, Tiffany R. Wilson and Lynn DiNorscia worked exclusively for LSCA in Little Falls, Delaware.

5. Plaintiffs Ruth J. Williams, Tiffany R. Wilson and Lynn DiNorscia were all Customer Care Tech Specialists in the Little Falls Call Center, reporting directly to Amber Hinton, a Remote Support Supervisor. Ms. Hinton's supervisor was Chris Findlay, a Remote Support Operating Manager.

6. Plaintiff Rhonda Payne, who also worked in the Call Center, was a Customer Care Tech Coordinator and she reported to Adrian Luzzi, another Remote Support Operations Manager. Mr. Luzzi's supervisor was John DeBlase, a Services and Support Senior Manager.

7. Plaintiff Margaret Fritz was a Customer Service Coordinator in the Little Falls Business Center, reporting to Customer Service Integration Manager, Marsha Johnson.

8. Agilent expressly prohibits employees from misusing Company assets, including distributing and viewing sexually explicit materials through electronic mail. Agilent communicates this policy to employees in its Personnel Policies and Guidelines and its Standards of Business Conduct. All five Plaintiffs signed an acknowledgement of receipt of these policies in October 2001.

9. In late November 2002, an Agilent employee reported to management that another employee sent him a sexually explicit e-mail that he found offensive. The employee in question had mistakenly sent the e-mail to the complaining employee instead of the intended recipient.

10. In my capacity as HR management support consultant, I was involved in the subsequent investigation at Agilent's Little Falls, Delaware facility, regarding violations of the standard of business conduct based on improper use of the electronic mail system in Agilent's LSCA Group. Specifically, the investigation related to LSCA's Call Center and Business Center, both of which have the same Business HR Manager, Ron Hill. This investigation, conducted by members of Agilent management, HR, and the legal department, occurred in late 2002 through January 2003 and was limited to the Little Falls, Delaware facility.

11. As a result of the investigation, on January 23, 2003, discipline was taken against various Call Center and Business Center employees. The level of discipline taken against an employee depended upon a comparative assessment of the volume, quantity, and nature of the sexually explicit emails, as well as whether the employee was only a recipient or a recipient and distributor of the emails. The decisions as to how to discipline each individual employee were made by each employee's manager, all of whom were located at the Little Falls, Delaware facility. The investigation and decision to terminate was also supervised by Business Human Resources Manager, Ron Hill.

12. Based on the volume and sexually explicit nature of the e-mails in their computer, the employment of all five Plaintiffs was terminated on January 23, 2003.

13. To the best of my knowledge at this time, Amber Hinton and Chris Findlay are residents of the State of Delaware. Marsha Johnson and Adrian Luzzi are residents of the State of Pennsylvania. John DeBlase is a resident of the State of New Jersey. Ron Hill is a resident of the State of Georgia.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25 day of February, 2005 at Colorado Springs, Colorado.

Sally Melvick

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